

**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF DELAWARE**

JAMES W. RILEY,	:	
	:	
Petitioner,	:	
	:	
v.	:	Civ. Act. No. 04-1435-GMS
	:	
THOMAS CARROLL,	:	
	:	
Warden,	:	
	:	
Respondent.	:	

**MOTION FOR EXTENSION OF TIME TO FILE
CERTIFIED STATE COURT RECORDS**

1. The petitioner, James W. Riley, has applied for federal habeas relief challenging an April 11, 2003 conviction upon retrial by a Delaware Superior Court jury of first degree (felony) murder, first degree robbery and possession of a deadly weapon during the commission of a felony. (D.I. 2).

2. By the terms of the Court's order, the respondents are directed to attach to the answer certified copies of the state court records material to the questions raised in the petitioner's appeal.

3. The respondents, due to the volume of records required from the state supreme court in Dover in federal habeas cases as well as other state court appeals, have been unable to obtain, copy and have certified state supreme court records from Dover in order to filed them contemporaneously with the answer. The undersigned anticipates obtaining, having certified, and copying the records within two weeks. The undersigned thus requests

until July 5, 2005 to copy, have certified and transport the records for filing with the Court in this case.

4. Respondents submit that a two-week extension of time to and including July 5, 2005 in which to file certified copies of the material portions of the state court records in this case is reasonable. Respondents submit herewith a proposed order.

/s/Thomas E. Brown
Deputy Attorney General
Department of Justice
820 N. French Street
Wilmington, DE 19801
(302) 577-8500
Del. Bar ID# 3278
ThomasE.Brown@state.de.us

Date: June 20, 2005

**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF DELAWARE**

JAMES W. RILEY,	:	
	:	
Petitioner,	:	
	:	
v.	:	Civ. Act. No. 04-1435-GMS
	:	
THOMAS CARROLL,	:	
	:	
Warden,	:	
	:	
Respondent.	:	

ORDER

This _____ day of _____, 2005,

WHEREAS, respondents having requested an extension of time in which to file certified portions of the state court records, and

WHEREAS, it appearing to the Court that the requested extension is timely and good cause has been shown for the extension,

IT IS HEREBY ORDERED that respondents shall file certified portions of the state court records on or before July 5, 2005.

United States District Judge

CERTIFICATE

I hereby certify that I have neither sought nor obtained the consent of the petitioner, who is incarcerated and appearing *pro se*, to the subject matter of this motion.

/s/ Thomas E. Brown
Deputy Attorney General
Del. Dept. of Justice

Counsel for Respondents

Date: June 20, 2005

CERTIFICATE OF SERVICE

The undersigned, being a member of the Bar of this Court, hereby certifies that on June 20, 2005 he caused to be electronically filed the attached document (motion for extension of time to file state court records) with the Clerk of the Court using CM/ECF. I hereby certify that on June 20, 2005 I have also caused to be mailed by first class U.S. Mail two copies of the document to the following non-registered participant, the petitioner:

James W. Riley (No. 00169716)
Delaware Correctional Center
1181 Paddock Road
Smyrna, DE 19977.

/s/ Thomas E. Brown
Deputy Attorney General
Del. Dept. of Justice

Counsel for Respondents

Date: June 20, 2005